IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10504 OF 2004

Moreshwar Baban Shinwar & Anr ...Petitioners

Versus

Damodhar Bhau Pendhari & Ors. ...Respondents

.....

Mr. D.S. Sawant with Rajesh B. Parab, counsel for Petitioners

Mr. S.G. Karandikar, counsel for Respondents 1 to 15.

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CORAM: B. H. MARLAPALLE, J.

DATED: 1ST MARCH, 2005

P. C.:-

1. Heard.

2. Regular Civil Suit No.204 of 2003 has been filed before the learned Civil Judge, Junior Division, at Vasai and in the said suit an application for temporary injunction was also filed at Exh.5. The learned Judge of the trial Court was pleased to reject the said application for temporary injunction vide his order dated 20.1.2004. On the basis of the evidence placed alongwith the plaint and the application for temporary injunction, the trial Court came to the conclusion that prima facie, there was no evidence in favour of the plaintiff to hold that he

was the L.R. of late Mukund Lokhande. This finding, prima facie evidence has been confirmed by the lower appellate court while dismissing the Misc. Civil Appeal No.9 of 2004 by judgment and order dated 30.9.2004.

3. Having heard the learned counsel for the respective parties, it is clear that the concurrent view taken by both the courts below does not call for any interference under Article 227 of the Constitution of India and hence, the writ petition is rejected summarily.